

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

Record No. 16-1481

Clifton Webb v. University of North Carolina

MOTION FOR EXTENSION OF TIME TO FILE RELY BRIEF

NOW COMES plaintiff-appellant through counsel and hereby moves the Court for an extension of time by 10 days from September 23, 2016 to October 3, 2016 in which to file any reply brief. In support hereof, plaintiff-appellant says unto the Court as follows:

1. On September 9, 2016, defendant-appellee filed their appellate brief in response to plaintiff-appellee's initial appellate brief.
2. Throughout the week of September 19, 2016 and likely into the week of September 26, 2016, counsel for plaintiff-appellant has been counsel in a jury trial before the Wake County Superior Court in *Newberne v. NC Dept. of Public Safety*.
3. Because of the referenced jury trial, counsel for plaintiff-appellant has not had sufficient time in which to review defendant-appellee's brief and prepare any reply brief in response to the same.

4. Plaintiff-appellant respectfully requests an additional 10 days in which to prepare and file any reply brief in light of the same.

5. Plaintiff-appellant's counsel has conferred with counsel for defendant-appellee concerning this motion and reports that defendant-appellee has no objection to the Court granting this request for additional time under the circumstances.

WHEREFORE, plaintiff-appellant hereby respectfully requests that the Court grant him an additional 10 days in which to file a reply brief if he so desires.

This the 22nd day of September, 2016.

Respectfully submitted by:

/s/ J. Heydt Philbeck, Sr.

J. Heydt Philbeck, Sr.

Bailey & Dixon, LLP

434 Fayetteville Street, Suite 2500

Raleigh, North Carolina 27601

Telephone: (919) 828-0731

Facsimile: (919) 828-6592

Email: hphilbeck@bdixon.com

Counsel for Plaintiff-Appellant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 22nd day of September, 2016, I caused this Motion for Extension of Time to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Joseph A. Newsome
NORTH CAROLINA DEPARTMENT OF JUSTICE
Post Office Box 629
Raleigh, North Carolina 27602
(919) 716-6918
Counsel for Appellee

/s/ J. Heydt Philbeck, Sr.
Counsel for Appellant